DISPOSITION

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

Date: March 19, 2015

File No: IAB IV2349778

DISPOSITION SHEET

FROM: JAMES R. LOPEZ, CHIEF
EAST PATROL DIVISION

TO: DONNIE L. MAULDIN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **BALDOMERO ENRIQUEZ #[redacted]**
DEPUTY SHERIFF
TEMPLE STATION
EAST PATROL DIVISION

Upon consideration of the facts developed in this investigation, I have determined Subject Enriquez be **DISCHARGED** from his position as a Deputy Sheriff for the reasons set forth in the attached documentation. This decision may be reconsidered based on the employee's response.

James R. Lopez, Chief — 03-24-15 Date

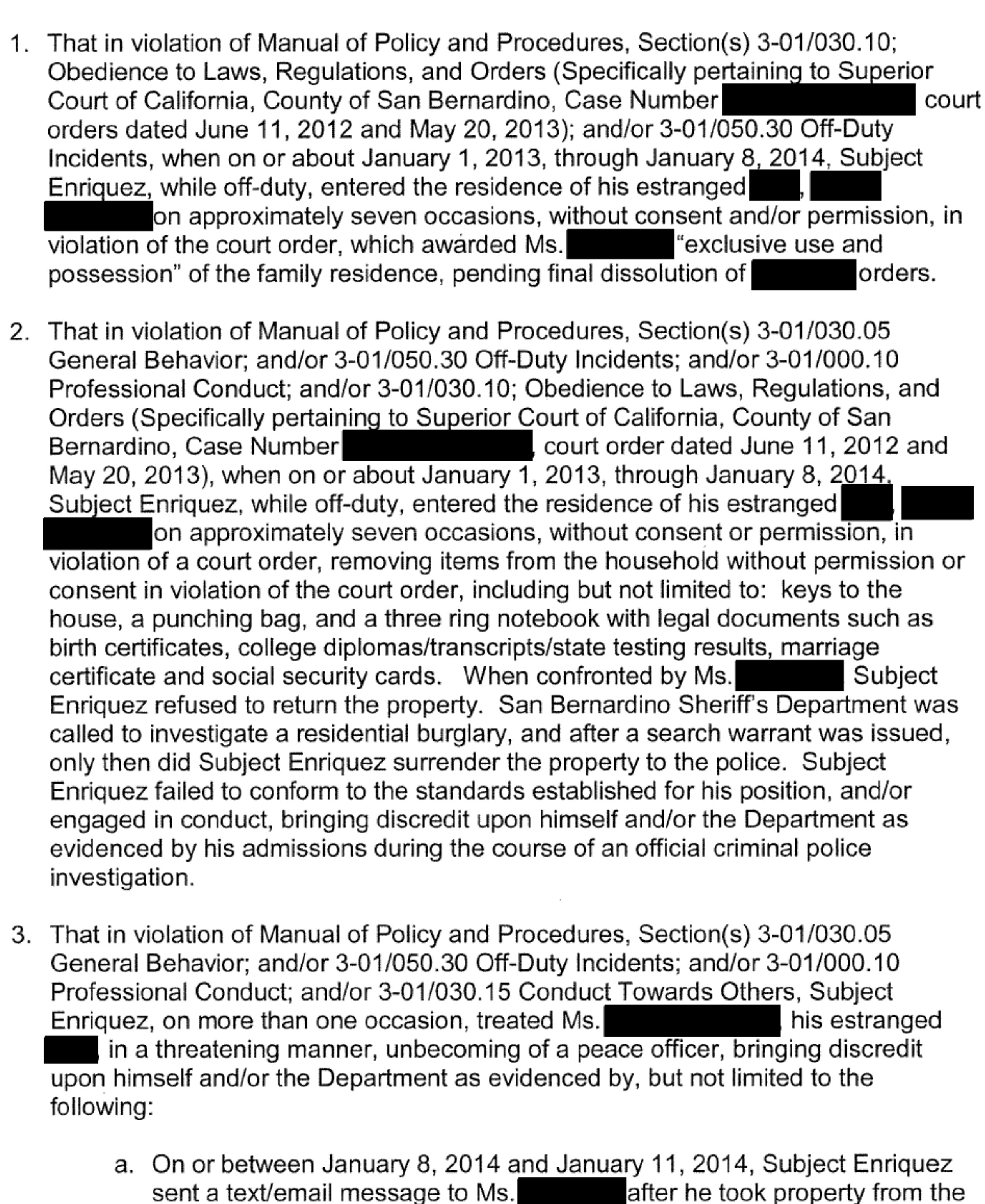
CASE REVIEWED BY

Richard J. Barrantes, Assistant Sheriff — 3-24-15 Date

Michael J. Rothans, Assistant Sheriff — 3/24/15 Date

Neal Tyler, Executive Officer — 3/24/15 Date

Jim McDonnell, Sheriff — 3-27-15 Date



The evidence in this investigation **supports** the following charges:

1. That in violation of Manual of Policy and Procedures, Section(s) 3-01/030.10; Obedience to Laws, Regulations, and Orders (Specifically pertaining to Superior Court of California, County of San Bernardino, Case Number [redacted] court orders dated June 11, 2012 and May 20, 2013); and/or 3-01/050.30 Off-Duty Incidents, when on or about January 1, 2013, through January 8, 2014, Subject Enriquez, while off-duty, entered the residence of his estranged [redacted], [redacted] on approximately seven occasions, without consent and/or permission, in violation of the court order, which awarded Ms. [redacted] "exclusive use and possession" of the family residence, pending final dissolution of [redacted] orders.

2. That in violation of Manual of Policy and Procedures, Section(s) 3-01/030.05 General Behavior; and/or 3-01/050.30 Off-Duty Incidents; and/or 3-01/000.10 Professional Conduct; and/or 3-01/030.10; Obedience to Laws, Regulations, and Orders (Specifically pertaining to Superior Court of California, County of San Bernardino, Case Number [redacted], court order dated June 11, 2012 and May 20, 2013), when on or about January 1, 2013, through January 8, 2014, Subject Enriquez, while off-duty, entered the residence of his estranged [redacted], [redacted] on approximately seven occasions, without consent or permission, in violation of a court order, removing items from the household without permission or consent in violation of the court order, including but not limited to: keys to the house, a punching bag, and a three ring notebook with legal documents such as birth certificates, college diplomas/transcripts/state testing results, marriage certificate and social security cards. When confronted by Ms. [redacted] Subject Enriquez refused to return the property. San Bernardino Sheriff's Department was called to investigate a residential burglary, and after a search warrant was issued, only then did Subject Enriquez surrender the property to the police. Subject Enriquez failed to conform to the standards established for his position, and/or engaged in conduct, bringing discredit upon himself and/or the Department as evidenced by his admissions during the course of an official criminal police investigation.

3. That in violation of Manual of Policy and Procedures, Section(s) 3-01/030.05 General Behavior; and/or 3-01/050.30 Off-Duty Incidents; and/or 3-01/000.10 Professional Conduct; and/or 3-01/030.15 Conduct Towards Others, Subject Enriquez, on more than one occasion, treated Ms. [redacted], his estranged [redacted], in a threatening manner, unbecoming of a peace officer, bringing discredit upon himself and/or the Department as evidenced by, but not limited to the following:

    a. On or between January 8, 2014 and January 11, 2014, Subject Enriquez sent a text/email message to Ms. [redacted] after he took property from the home stating, "Ur n idiot when I get back my bike n all my papers I had in garage n boxing stuff my kitchen stuff then ill return it", or words to that effect; and/or,

b. On or about October 24, 2014, Subject Enriquez sent a text/email message to Ms. [redacted] stating, in part: "And u sud stop sending ur students at [redacted] high school naked pictures of ur self or I will report u to ur supervisors".

c. On or about February 4, 2015, Subject Enriquez sent a text/email message to Ms. [redacted] stating, "U will never b able to teach or work at a school again and u know y just remember that", or words to that effect; and/or,

4. That in violation of Manual of Policy and Procedures, Section 3-01/040.76, Obstructing an Investigation/Influencing a Witness; and/or Section 3-01/040.85 Cooperation During Criminal Investigation, on or about February 8, 2013, Subject Enriquez provided San Bernardino Sheriff's Department Personnel false and/or misleading statements, claiming that he resided at [redacted] in [redacted], stating that the judge had not ruled or mandated that he was no longer allowed at the location.

5. That, in violation of Manual of Policy and Procedures, section 3-01/040.76, Obstructing an Investigation/Influencing a Witness; and/or Section 3-01/040.85 Cooperation During Criminal Investigation, on or about January 29, 2014, during an interview with investigators from the San Bernardino Sheriff's Department, Subject Enriquez provided false, and/or misleading statements including, but not limited to:

   a. Stating he never attempted, nor entered, the residence through the back door during the time period they were separated; and/or,

   b. Stating that he was unaware of the family law order showing possession of the residence to Ms. [redacted] on June 11, 2012, claiming he must have not been paying attention or he did not read his paperwork.

6. That in violation of Manual of Policy and Procedures, Section 3-01/040.75, Failure to Make Statements and/or Making False Statements, on or about October 24, 2014, during a Department internal affairs investigation, Subject Enriquez provided false and/or misleading statements, including but not limited to:

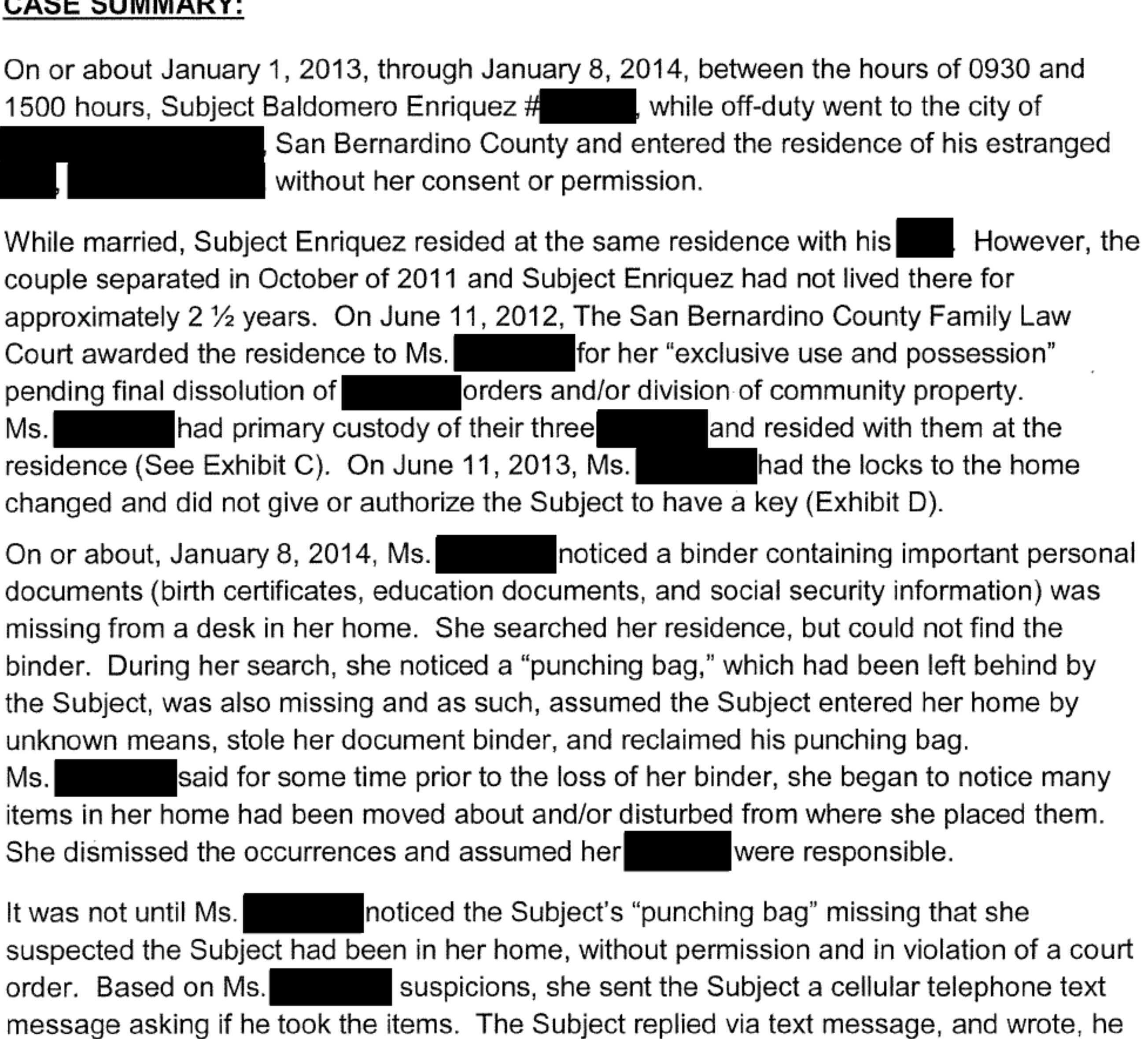
   a. Denying he was aware of an order prohibiting him from entering the residence; and/or,

   b. Stating he did not know he did not have permission to have a key to the residence; and/or,

   c. "I didn't know that the court had given her sole possession"

7. That in violation of Manual of Policy and Procedures, Section 3-01/040.76, Obstructing an Investigation/Influencing a Witness; and/or Section(s) 3-01/030.10

Obedience to Laws, Regulations, and Orders, when on or about October 24, 2014, Subject Enriquez indicated that he had maintained a series of electronic emails between himself and his [redacted] [redacted] which he stated would be relevant to his administrative investigation, IAB No. IV2349778. Subject Enriquez was asked to provide copies of any and all emails referenced, and he failed to provide them to the investigating officer, Lieutenant Edward Godfrey. On or about December 14, 2014, Subject Enriquez was given a direct order to provide Lieutenant Godfrey with copies of all communications no later than Monday, December 22, 2014, and was reminded that failure to comply with the order could result in discipline and/or discharge. Subject Enriquez failed to provide copies of any communications to Lieutenant Godfrey.



CASE SUMMARY:

On or about January 1, 2013, through January 8, 2014, between the hours of 0930 and 1500 hours, Subject Baldomero Enriquez #[redacted], while off-duty went to the city of [redacted], San Bernardino County and entered the residence of his estranged [redacted], [redacted] without her consent or permission.

While married, Subject Enriquez resided at the same residence with his [redacted]. However, the couple separated in October of 2011 and Subject Enriquez had not lived there for approximately 2 ½ years. On June 11, 2012, The San Bernardino County Family Law Court awarded the residence to Ms. [redacted] for her "exclusive use and possession" pending final dissolution of [redacted] orders and/or division of community property. Ms. [redacted] had primary custody of their three [redacted] and resided with them at the residence (See Exhibit C). On June 11, 2013, Ms. [redacted] had the locks to the home changed and did not give or authorize the Subject to have a key (Exhibit D).

On or about, January 8, 2014, Ms. [redacted] noticed a binder containing important personal documents (birth certificates, education documents, and social security information) was missing from a desk in her home. She searched her residence, but could not find the binder. During her search, she noticed a "punching bag," which had been left behind by the Subject, was also missing and as such, assumed the Subject entered her home by unknown means, stole her document binder, and reclaimed his punching bag. Ms. [redacted] said for some time prior to the loss of her binder, she began to notice many items in her home had been moved about and/or disturbed from where she placed them. She dismissed the occurrences and assumed her [redacted] were responsible.

It was not until Ms. [redacted] noticed the Subject's "punching bag" missing that she suspected the Subject had been in her home, without permission and in violation of a court order. Based on Ms. [redacted] suspicions, she sent the Subject a cellular telephone text message asking if he took the items. The Subject replied via text message, and wrote, he

would return her items when he got his item(s) back. She was convinced at that point, he had entered her home without authorization and took items. She called the San Bernardino County Sheriff's Department to report the incident.

On January 11, 2014, San Bernardino County Deputy Sheriff [redacted] was dispatched to Ms. [redacted] home. During the deputy's investigation, he observed and documented evidence, surmising a burglary had occurred. He annotated the existence of pry marks and associated wood chips on the ground from the frame of a rear door, which led to an interior bathroom.

Ms. [redacted] neighbor, Mr. [redacted] was identified as a witness. He told Deputy [redacted] he had seen the Subject at the residence, consistent with the two dates and times of occurrence (January 4 and 8, 2014, between 1100 and 1200 hours).

Deputy [redacted] attempted to contact the Subject via cellular telephone, but received no response. He submitted his report (Exhibit A) and the case was assigned to a detective for follow-up.

San Bernardino Sheriff's Detective [redacted] was assigned the task of conducting the investigation. He memorialized his actions and interview statements in a supplemental report (Exhibit B).

On January 31, 2014, at approximately 1500 hours, Detective [redacted] interviewed Subject Enriquez at Temple Station. During the interview, Subject Enriquez admitted entering the home on approximately seven occasions, between 2013 and January 8, 2014 and taking items. He told Detective [redacted] he went to the home with the intention of obtaining his [redacted]s birth certificates so he could open bank accounts for them. The Subject said he sent an electronic mail (e-mail) message to Ms. [redacted] expressing the need for the documents, but claimed she never responded.

Subject Enriquez admitted to Detective [redacted] of having knowledge the locks had been changed. He also admitted to taking a key without permission from the house on a prior occasion.

He admitted entering the residence on at least five other occasions in 2013, when no one was home, and without the consent or knowledge of his estranged [redacted] The Subject was in possession of the key during the interview and surrendered it to Detective [redacted]

Based on the facts of the case, Detective [redacted] presented an affidavit of probable cause to a magistrate and obtained search warrants to recover Ms. [redacted] property. Searches were conducted of the Subject's residence and work areas. All of the stolen items and/or missing property was recovered at the subject's residence and/or storage facilities maintained by the Subject.

The Subject stated he was not aware of the court order, which granted his [redacted] exclusive possession and control of the residence. He contended he either did not pay attention to the order and/or did not read its content. He admitted to entering the home with the intention of taking her personal property, without her knowledge and/or consent. The Subject's interview and other interactions were audio recorded (Exhibit F).

The Subject was not placed under arrest, but informed the facts of the case would be presented to the San Bernardino County District Attorney's Office for consideration of a criminal complaint. The District Attorney's Office ultimately declined to prosecute and issued a District Attorney's reject letter on April 8, 2014.

An Order to Show Cause and Affidavit for Contempt hearing was set for June 20, 2014 in San Bernardino Superior Court ordering Subject Enriquez to appear and answer to allegations of willful disobedience of the following: 1) "Violation of the Exclusive Possession Order" on or about January 12, 2014, and 2) violation of the "Standard Family Law Restraining Order, Number 2" by removing his [redacted] as a dependent/beneficiary from his medical insurance on or about January 1, 2014 (Exhibit G).

[redacted] also provided copies of text/email messages from the Subject to her, threatening to harm her reputation, career and/or job.

Subject Enriquez alleged that he had been locked out of the house on February 8, 2013 because his [redacted] changed the locks. Subject Enriquez called San Bernardino Sheriff's Station and told officers that he resided at [redacted] (the location where he and his [redacted] had lived together), claiming that the judge had not ruled or mandated that he was no longer allowed at the location.

During this administrative investigation, Subject Enriquez claimed that he had kept emails between himself and his [redacted], which he claimed were relevant to the case. Lieutenant Godfrey asked for copies of the emails, and Subject Enriquez refused to provide them. Subject Enriquez was then ordered to produce them, and despite being given a direct order, he failed to produce the emails.

Discipline Assessment:

Review of Applicable "Guidelines for Discipline" Sections. The Department's Guidelines for Discipline lists the following analogous misconduct with associated disciplinary penalties:

Policy	Conduct	Standard Discipline
Obedience to Laws, Regulations, and Orders. Insubordination Performance to Standards	Violation of court order Failure to follow instruction/orders Insubordination Theft	1-5 day suspension for violation of a court order 1-5 days 10 days to discharge Discharge
General Behavior	Violation of a Court order, and threatening emails to his [redacted] brought discredit to him and cast a poor reflection upon the Los Angeles Sheriff's	W/R to Discharge
Conduct Toward Others	Discourtesy or profanity toward the public	W/R to 10 Day Suspension
Conduct off-duty	Conduct off-duty, which causes embarrassment to the Department	W/R to Discharge
Failure to Make Statements and/or Making False Statements during Departmental Investigations	The Subject provided false/misleading statements during a criminal and internal investigation.	15 Days to Discharge
Obstructing an Investigation/Influencing a Witness	The Subject sent threatening e-mails to his estranged [redacted] after entering her residence and provided false or misleading statements to another police agency	15 Days to Discharge

Cooperation During a Criminal Investigation	Giving untruthful or misleading statements	25 Days to Discharge

Assessment of Mitigating and Aggravating Factors:

The existence of the Court Order, which granted sole possession of the residence to Ms. [redacted]. Transcripts from the proceeding verified the Subject's presence and acknowledgement of the order (Exhibit E).

A complaint of residential burglary was lodged against the Subject. A magistrate issued search warrants for the recovery of the victim's (Ms. [redacted]) property. Subsequent searches, pursuant to search warrants, resulted in the recovery of property.

On March 11, 2015, Lieutenant Godfrey had a telephone conversation with Ms. [redacted] in order to clarify some details concerning the investigation. Lieutenant Godfrey was unable to audio record the conversation at the time, and on March 23, 2015, he re-contacted Ms. [redacted] in order to audio tape the details of the earlier conversation (Exhibit H).

Ms. [redacted] said during the end of July 2012 and/or during the first part of August 2012, she and the [redacted] moved out of the home and rented a house in [redacted]. She was due to give birth of [redacted] in October 2012, and wanted to be closer to her family so they could help her care for the [redacted]. She said when she and the [redacted] moved out, the Subject decided to move back into the home on [redacted]. Ms. [redacted] explained their [redacted] were experiencing difficulty adjusting to new schools, and the Subject volunteered to move out, so she and the [redacted] could return to the home. The Subject moved out, taking his clothing and personal documents, leaving only a few pieces of furniture and some personal items in the garage. Ms. [redacted] moved back into the residence in December 2012. She said the only reconciliation attempt was for a short period in January of 2012.

Ms. [redacted] changed the locks of the residence because she felt the Subject would still believe he could come and go as he pleased. She made it clear to him he could not be in the house, and the Subject never stayed there afterward and she never gave him a key. She said she would have not gone to the trouble of changing the locks if it was not her intent to keep him out.

Ms. [redacted] was certain the Subject was served with a copy of the court order. She recalled after each court proceeding (June 11, 2012, and May 20, 2013), a deputy sheriff assigned to the court gave her and the Subject individual copies of the orders, which granted her exclusive use and possession of the home. She did not recall having to sign anything to record her receipt of the documents. She stated her attorney sent a certified letter to the Subject to arrange a time for him to retrieve any belongings he left behind. She said the Subject did not respond and never wanted to reach that type of agreement.

The Subject has a record of domestic abuse and has demonstrated a propensity to use abusive language and make threats against his [redacted]. In one documented instance, Subject Enriquez was arrested by the El Monte Police Department on April 29, 2008, for [redacted]. Ms. [redacted] declined and/or refused to provide testimony against the Subject.

Severity of Infraction:

Subject Enriquez' actions cast a poor reflection upon himself as a professional law enforcement officer. His failure to adhere to and/or conform to Department regulations and standards brought embarrassment to himself and the Department. A sworn officer who violates court orders does not uphold the virtues of professional conduct.

As a professional law enforcement officer, Subject Enriquez is held to a higher standard in knowing and understanding court orders; and at a minimum, asking questions if any confusion. Subject Enriquez knew or should have known that entering the home without the knowledge, permission or consent of his estranged [redacted] was in fact a violation of the court order.

Subject Enriquez' actions are compounded by his feigned ignorance, and in its totality, a pattern of ignoring, disobedience, and/or failing to understand orders has emerged, as evidenced by, but not limited to: 1) violation of the Exclusive Possession Order, 2) violation of the Standard Family Law Restraining Order, 3) failure to comply with a direct order by a supervisor in a previous founded investigation, 4) failing to comply with a direct order to produce evidence that Subject Enriquez admitted exists that may have been relevant and/or exonerating to this case, and 5) having a prior founded violation of Obedience to Laws, Regulations and Orders.

Intent, Truthfulness, and Acceptance of Responsibility:

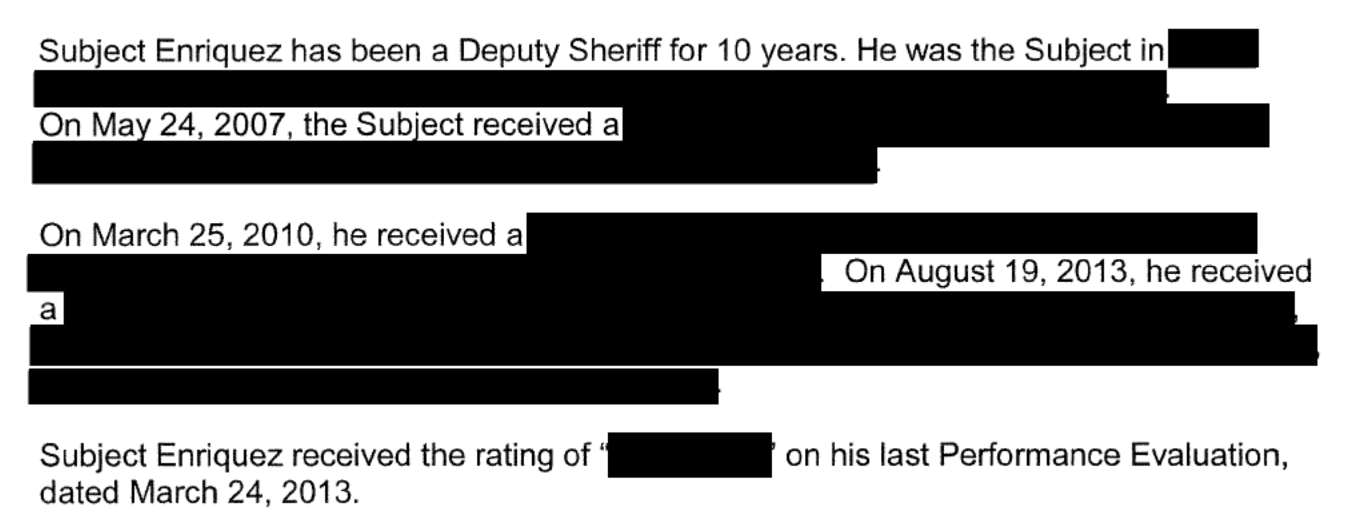
Subject Enriquez' attempt to justify his conduct and/or actions further reinforce a lack of judgment, maturity, and expected bearing of a professional peace officer. He demonstrated a lack of respect for the law and maintained an attitude of both arrogance and ignorance. He did not appear remorseful for his conduct and/or actions. He failed to recall the events in detail. He claimed to not be aware of the Court order.

During the interview with the Subject he stated there were e-mails between him and his ex-[redacted] where he claimed to have informed Ms. [redacted] of his intentions to recover specific property from the house. He alleged some of the unspecified items he sought to recover were missing and considered them as having been stolen. He claimed to have made a police report, however the San Bernardino County Sheriff's Department had no record of a report being made. Subject Enriquez stated he maintained copies of the e-mails and could produce them if lawfully ordered. On December 14, 2014, I met with the Subject and ordered him to provide the e-mail evidence, and he refused on the advice of his attorney.

Degree of Culpability:

Subject Enriquez, by virtue of his position, training, experience and tenure as a peace officer, as defined in California Penal Code 830.1, was expected to be aware of his obligations to abide by the law as set forth in the California Penal Code, and associated federal, state and local codes, ordinances and laws, and/or to meet the performance standards set forth and enumerated in the Department's Manual of Policy and Procedures. Specifically, as it relates to the obligations, regulations and duties required of a deputy sheriff, Subject Enriquez was solely responsible for his decisions and actions in this matter.

Past Performance and Disciplinary History:



Subject Enriquez has been a Deputy Sheriff for 10 years. He was the Subject in [redacted].
On May 24, 2007, the Subject received a [redacted].

On March 25, 2010, he received a [redacted]. On August 19, 2013, he received a [redacted].

Subject Enriquez received the rating of "[redacted]" on his last Performance Evaluation, dated March 24, 2013.

Determination of Discipline:

Based upon the assessment of mitigating and aggravating factors, the appropriate discipline is discharge. The discipline will be subject to revision upon receipt of the Subject's response and/or grievance.

INVESTIGATIVE SUMMARY

On January 11, 2013, at approximately 0914 hours, Subject Baldomero Enriquez #[redacted] was named by the San Bernardino County Sheriff's Department as a suspect in the burglary of his estranged [redacted]s (Complainant [redacted]) home. The case was memorialized under San Bernardino Sheriff's Department case number 111400371. At the time of the incident, Subject Enriquez was assigned to Temple Station patrol.

Subject Enriquez had previously resided in the home since the couple purchased it in 2010, but based on a [redacted] separation and [redacted] had not been living there for approximately 2 ½ years. There was an attempt to reconcile the relationship sometime in 2012, where Subject Enriquez moved back for a short term, but he again vacated the home permanently after irreconcilable differences prevailed.

The San Bernardino County Sheriff's Department conducted a complete and thorough investigation into the matter. Sufficient probable cause existed and a detective from the Rancho Cucamonga Station obtained search warrants for Subject Enriquez' residence, leased storage facility, and work locker. Consequently, pursuant to the search warrants, all of the stolen property was found in Subject Enriquez' possession.

Based on the severity of the allegations and compounded by the evidence recovered, Subject Enriquez was relieved of duty on January 31, 2014, by Captain Christopher P. Nee. The case was turned over to the Los Angeles County Sheriff's Internal Affairs Bureau (IAB) and was classified a "Criminal Monitor."

San Bernardino County Sheriff's Detectives presented the case to the San Bernardino County District Attorney's Office for consideration of residential burglary charges against Subject Enriquez.

The Case was reviewed by the San Bernardino District Attorney's Office. On April 8, 2014, Deputy District Attorney (DDA) Robert Bulloch sent notice to San Bernardino County Sheriff's detectives, informing them criminal charges would not be lodged against Subject Enriquez. DDA Bulloch cited in an interagency memorandum, there was a lack of corpus and insufficient evidence to prove guilt beyond a reasonable doubt.

Upon receipt of the rejected case status, IAB reassigned the case as a unit level investigation. Consequently through witness and complainant interviews, it was learned the handling law enforcement entities agreed Subject Enriquez had committed a burglary. The handling detective in the case stated, "we would not have expended the effort we did in the investigation had we not believed a legitimate crime had been committed." The reviewing deputy district attorney said, "but not for the reluctance of the victim to testify against the Subject," he most certainly would have filed a criminal complaint against the subject for residential burglary.

There did not appear to be any additional information which would alter the existing findings concerning Subject Enriquez' complicity in the crime, conduct and/or actions.